

# Exhibit T

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NO. 16-CI-03503

JEFFERSON CIRCUIT COURT  
DIVISION TEN (10)

DONNA ANN HAYES

PLAINTIFF

VS. TRANSCRIPT OF PROCEEDINGS

JULY 23, 2019

COLGATE-PALMOLIVE COMPANY,  
ET AL.

DEFENDANTS

\* \* \*

Heard before the Hon. Angela McCormick Bisig,  
Judge, Jefferson Circuit Court, Division 3,  
Louisville Justice Center, Louisville, Kentucky.

\* \* \*

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1 I N D E X

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3 WITNESS: WILLIAM LONGO, Ph.D.

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9 WITNESS: LEE POYE

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1 at that time is that testing with those two  
2 methods was the industry standard for asbestos  
3 analysis at that time, and provided Scott's with a  
4 reasonable basis to believe that consumer use of  
5 their Libby vermiculite products did not cause any  
6 significant exposure, correct?

7 A. That's what I stated, yes.

8 Q. And you also said that any  
9 suggestion that some of these independent  
10 laboratories, or Scott's, should have had the  
11 knowledge or foresight to do further testing --  
12 and I'm skipping a few words to -- with ATEM after  
13 negative results with XRD and optical microscopy  
14 in the 1970s is not reasonable or scientifically  
15 valid, right?

16 A. That is absolutely correct, for  
17 Scott's --

18 Q. Okay.

19 A. -- Fertilizer Company.

20 Q. And you also pointed out one of the  
21 reasons why you thought -- now, they did not do --  
22 or did not have done for them TEM work, right?

23 A. That's correct.

24 Q. Okay. And I think you believe that  
25 TEM is the most sensitive method to look for

1 asbestos in trace quantities, correct?

2 A. It is. I asked them why they did  
3 not -- they relied on their outside labs. And  
4 McCrone was their primary lab. McCrone didn't  
5 advise them to use TEM.

6 Q. Okay. Actually what you said is,  
7 "One of the problems in the 1970s was that there  
8 were very few, if any, ATEMs in commercial  
9 laboratories that had the appropriate technology  
10 to perform accurate trace amphibole contaminant  
11 analysis," right?

12 A. And that's true.

13 Q. And you said that in defending  
14 Scott's -- when you said that defending Scott's,  
15 did you know that McCrone had a TEM?

16 A. Yes. McCrone had a TEM and that's  
17 why I asked Ian Stewart, he was retired, why they  
18 never told Scott's to do TEM when they had a TEM.  
19 And Ian Stewart says, "Because there was nothing  
20 there. We didn't think it was necessary."

21 So you're asking a fertilizer company,  
22 depending on other -- other -- other consultants  
23 to be able to determine that. That's why I stated  
24 when they were using PLM and XRD, they were doing  
25 the appropriate analysis.

1 STATE OF KENTUCKY

2 COUNTY OF JEFFERSON

3 I, NANCY L. NUNNELLEY, RMR, Notary Public,  
4 State of Kentucky at Large, do hereby certify that  
5 the foregoing deposition was taken at the time and  
6 place stated in the caption; that the appearances  
7 were as set forth in the caption; that prior to  
8 giving their testimony the witness was first duly  
9 sworn by me, that said testimony was taken down by me  
10 in stenographic notes and thereafter reduced under my  
11 supervision to the foregoing typewritten pages and  
12 that said typewritten transcript is a true, accurate  
13 and complete record of my stenographic notes so  
14 taken.

15 I further certify that I am not related by  
16 blood or marriage to any of the parties hereto and  
17 that I have no interest in the outcome of captioned  
18 case.

19 My commission as Notary Public expires July 10,  
20 2023.

21 Given under my hand this the 24th day of  
22 July, 2019, at Louisville, Kentucky.

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25

NOTARY PUBLIC